

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

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CHAPTER 201

SENATE BILL 1301

AN ACT

AMENDING SECTIONS 13-3825 AND 13-3826, ARIZONA REVISED STATUTES; RELATING TO
SEX OFFENDER REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3825, Arizona Revised Statutes, is amended to
3 read:

4 13-3825. Community notification

5 A. Within seventy-two hours after a person who was convicted is
6 released from confinement or who was accepted under the interstate compact
7 for the supervision of parolees and probationers and has arrived in this
8 state, the agency that had custody or responsibility for supervision of the
9 person who was convicted of committing an offense for which the person was
10 required or ordered by the court to register pursuant to section 13-3821 or
11 that has accepted supervision under the interstate compact for the
12 supervision of parolees and probationers shall provide all of the following
13 information to the department of public safety by entering all of the
14 following information into the sex offender profile and notification
15 database:

- 16 1. The offender's identifying information.
- 17 2. A risk assessment of the offender.
- 18 3. The offender's date of release from confinement or, if the offender
19 is sentenced to probation without jail time, the date the sentence is
20 imposed.

21 B. Following the tenth day after the person is released from
22 confinement or, if the offender is sentenced to probation without jail time,
23 the date the sentence is imposed, the department of public safety shall
24 cross-reference the information the department receives pursuant to
25 subsection A of this section with the sex offender registry to determine if
26 the person is registered as required or ordered by the court pursuant to
27 section 13-3821. If the person is not registered, the LOCAL LAW ENFORCEMENT
28 AGENCY OR THE department of public safety shall ~~notify~~ REQUEST THAT the
29 ~~county attorney in the county in which the person was convicted or~~ THE COUNTY
30 ATTORNEY IN THE COUNTY IN WHICH THE PERSON WAS CONVICTED PETITION THE COURT
31 FOR AN ARREST WARRANT TO BE ISSUED AND, IF APPROPRIATE, NOTIFY the interstate
32 compact administrator for this state. If the person is registered, the
33 department of public safety shall forward the information the department
34 received pursuant to subsection A of this section to the sheriff in the
35 county where the person is registered.

36 C. After receiving the information pursuant to subsection B of this
37 section, the sheriff shall forward the information to the chief law
38 enforcement officer of the community in which the person resides. After
39 reviewing the information received and any other information available to the
40 local law enforcement agency, the local law enforcement agency shall
41 categorize each offender and place each offender into a notification level.
42 Within forty-five days, the local law enforcement agency shall notify the
43 community of the offender's presence in the community pursuant to the
44 guidelines established by the community notification guidelines committee.
45 If the community does not have a chief law enforcement officer, the sheriff
46 shall perform the duties of the local law enforcement agency.

1 D. If a person who has been convicted of an offense in another state
2 registers pursuant to section 13-3821, subsection A, the sheriff in the
3 county in which the person registers shall forward the information to the
4 chief law enforcement officer of the community in which the person resides.
5 The chief law enforcement officer shall contact the state in which the person
6 was convicted and shall obtain information regarding the person. After
7 reviewing the information received and any other information available, the
8 local law enforcement agency shall complete the risk assessment, shall
9 categorize the person, shall place the person into a notification level and
10 shall enter the information into the computer system. If the law enforcement
11 agency is unable to obtain sufficient information to complete the sex
12 offender community notification risk assessment, the agency shall categorize
13 the offender as a level two offender. Within forty-five days, the local law
14 enforcement agency shall notify the community of the person's presence in the
15 community pursuant to the guidelines established by the community
16 notification guidelines committee. If the community does not have a chief
17 law enforcement officer, the sheriff shall perform the duties of the local
18 law enforcement agency.

19 E. On receiving notice pursuant to section 13-3822 that a person who
20 is required to register has moved from the person's address, the chief law
21 enforcement officer of the community to which the person has relocated may
22 notify that community of the person's relocation to the community, pursuant
23 to subsection C of this section. If the community does not have a local law
24 enforcement agency, the sheriff of the county to which the person has
25 relocated shall notify the community of the person's relocation.

26 F. In cooperation with the county probation department or the state
27 department of corrections, a law enforcement agency may delegate all or part
28 of the notification process for offenders on community supervision to the
29 county probation department or to the state department of corrections, as
30 appropriate.

31 G. Information concerning a person who is required to register
32 pursuant to section 13-3821 and who is subject to the provisions of community
33 notification and who is a student at a public or private institution of
34 postsecondary education or who is employed or carries on a vocation, with or
35 without compensation, at a public or private institution of postsecondary
36 education shall be promptly made available by the county sheriff to the law
37 enforcement agency having jurisdiction for performing community notification
38 pursuant to guidelines adopted under section 13-3826. The law enforcement
39 agency shall notify the institution's administration and shall complete
40 appropriate campus notification pursuant to guidelines adopted under section
41 13-3826.

42 H. This section does not prohibit law enforcement officers from giving
43 a community notice of any circumstances or persons that pose a danger to the
44 community under circumstances that are not provided for under this section.

45 I. Except as provided in subsection J of this section, this section
46 applies to all persons who are subject to the registration requirements in

1 section 13-3821 whether or not the person was convicted before or after June
2 1, 1996.

3 J. This section does not apply to persons subject to the registration
4 requirements in section 13-3821 as a result of offenses adjudicated by a
5 juvenile court unless ordered by the court.

6 K. Notwithstanding ~~section 13-3825~~, subsections B and C OF THIS
7 SECTION, the agency that had custody or responsibility for supervision of an
8 offender or the court that sentenced the offender who was convicted of
9 committing an offense that subjects the offender to the registration
10 requirements of section 13-3821 and who committed the offense before June 1,
11 1996 may conduct a risk assessment for the offender as existing resources are
12 available pursuant to guidelines adopted by the community ~~notifications~~
13 NOTIFICATION guidelines committee pursuant to section 13-3826. Community
14 notification pursuant to THIS section ~~13-3825~~ and sex offender web site
15 notification pursuant to section 13-3827 shall only be conducted after the
16 risk assessment is complete.

17 Sec. 2. Section 13-3826, Arizona Revised Statutes, is amended to read:

18 13-3826. Community notification guidelines committee; members;
19 duties; definition

20 A. The community notification guidelines committee is established
21 consisting of the following members:

22 1. A member of the senate who is appointed by the president of the
23 senate to serve as ~~cochair~~ COCHAIRPERSON of the committee.

24 2. A member of the house of representatives who is appointed by the
25 speaker of the house of representatives to serve as ~~cochair~~ COCHAIRPERSON of
26 the committee.

27 3. The attorney general or the attorney general's designee.

28 4. The chairman of the senate judiciary committee or its successor
29 committee, who serves as an advisory member.

30 5. A member of the minority party in the senate who is appointed by
31 the president of the senate and who serves as an advisory member.

32 6. The chairman of the house of representatives judiciary committee or
33 its successor committee, who serves as an advisory member.

34 7. A member of the minority party in the house of representatives who
35 is appointed by the speaker of the house of representatives and who serves as
36 an advisory member.

37 8. Two sheriffs or their designees who are appointed by the president
38 of the Arizona county attorneys and sheriffs association, one of whom
39 represents a county with a population of more than four hundred thousand
40 persons according to the most recent United States decennial census and one
41 of whom represents a county with a population of four hundred thousand
42 persons or less according to the most recent United States decennial census.

43 9. Two chiefs of police or their designees who are appointed by the
44 president of the Arizona association of chiefs of police, one of whom
45 represents a city or town in a county with a population of more than four
46 hundred thousand persons according to the most recent United States decennial

1 census and one of whom represents a city or town in a county with a
2 population of four hundred thousand persons or less according to the most
3 recent United States decennial census.

4 10. Two county attorneys or their designees who are appointed by the
5 chairman of the Arizona prosecuting attorneys' advisory council, one of whom
6 represents a county with a population of more than four hundred thousand
7 persons according to the most recent United States decennial census and one
8 of whom represents a county with a population of four hundred thousand
9 persons or less according to the most recent United States decennial census.

10 11. Two county adult probation officers or their designees who are
11 appointed by the chief justice of the supreme court, one of whom represents a
12 county with a population of more than four hundred thousand persons according
13 to the most recent United States decennial census and one of whom represents
14 a county with a population of four hundred thousand persons or less according
15 to the most recent United States decennial census.

16 12. One state adult parole administrator or the administrator's
17 designee who is appointed by the governor.

18 13. The director of the department of public safety or the director's
19 designee.

20 14. The director of the department of transportation or the director's
21 designee.

22 15. One person who is licensed under title 32, chapter 19.1 and who is
23 appointed by the state board of psychologist examiners.

24 16. One representative of a public defender's office who is recommended
25 by an association of public defenders and who is appointed by the speaker of
26 the house of representatives.

27 17. One advocate or community restitution provider who is appointed by
28 the president of the senate.

29 18. Two public members, one of whom is appointed by the president of
30 the senate and one of whom is appointed by the speaker of the house of
31 representatives.

32 B. Appointed members serve two year terms.

33 C. The members shall meet at a time and place set by the
34 cochairpersons.

35 D. Members of the committee are not eligible to receive compensation
36 but are eligible for reimbursement of expenses pursuant to title 38, chapter
37 4, article 2.

38 E. The committee shall:

39 1. Adopt community notification guidelines. The committee shall
40 monitor the implementation of the community notification guidelines that the
41 committee adopts. The guidelines shall provide for levels of notification
42 based on the risk that a particular sex offender poses to the community. The
43 notification requirements are as follows:

44 (a) For level two and level three offenders, the notification shall be
45 made to the surrounding neighborhood, area schools, appropriate community
46 groups and prospective employers. The notification shall include a flyer

1 with a photograph and exact address of the offender as well as a summary of
2 the offender's status and criminal background. A press release and a level
3 two or level three flyer shall be given to the local electronic and print
4 media to enable information to be placed in a local publication. ~~If a level~~
5 ~~two or level three offender fails to register or reregister pursuant to~~
6 ~~section 13-3821 or 13-3822 and a warrant is issued, before the issuance of~~
7 ~~the warrant the law enforcement agency that requested the warrant shall~~
8 ~~assemble, print and distribute appropriate flyers regarding the offender.~~

9 (b) For level one offenders, the local law enforcement agency that is
10 responsible for notification shall maintain information about the offender.
11 The local law enforcement agency may disseminate this information to other
12 law enforcement agencies and may give notification to the people with whom
13 the offender resides. ~~If a level one offender fails to register or~~
14 ~~reregister pursuant to section 13-3821 or 13-3822 and a warrant is issued,~~
15 ~~before the issuance of the warrant the law enforcement agency that requested~~
16 ~~the warrant may assemble, print and distribute appropriate flyers regarding~~
17 ~~the offender.~~

18 2. Develop and recommend a process for a sex offender to request a
19 notification level review and for the court to determine if a sex offender
20 notification level may be reduced or the offender is no longer required to
21 register. The committee shall submit a report of its recommendation to the
22 governor, the president of the senate and the speaker of the house of
23 representatives on or before December 15, 2004 and shall provide a copy of
24 this report to the secretary of state and the director of the Arizona state
25 library, archives and public records.

26 3. Study whether there is uniform and consistent application of the
27 community notification guidelines on a statewide basis, including whether
28 offenders who pose similar risks are assigned similar notification levels in
29 different jurisdictions.

30 F. The committee shall adopt guidelines regarding how community
31 notification pursuant to section 13-3825, subsection K should be conducted,
32 including whether community notification should occur. The guidelines should
33 provide for flexibility based on resources and the availability of
34 records. The committee may adopt procedures that allow offenders required to
35 register to not be classified if necessary records are not reasonably
36 available.

37 G. For the purposes of this section, "advisory member" means a member
38 who advises other committee members during meetings but who is ineligible to
39 vote and who is not a member for the purposes of determining if a quorum is
40 present.

APPROVED BY THE GOVERNOR APRIL 24, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2006.